**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

STATE OF WEST VIRGINIA, *et al.*,	)
Plaintiffs,	)
	)
AMERICAN FARM BUREAU	)
FEDERATION, *et al.*,	)
	)
Plaintiff-Intervenors,	)
	)
v.	)
	)
	)
UNITED STATES ENVIRONMENTAL	)
PROTECTION AGENCY, *et al.*,	)
	)
Defendants,	)
	)
CHICKALOON VILLAGE	)
TRADITIONAL COUNCIL, *et al.*,	)
	)
Defendant-Intervenors.	)

No. 3:23-cv-32-DLH-ARS

Hon. Daniel L. Hovland

<u>NOTICE OF APPEAL</u>

Pursuant to 28 U.S.C. § 1292(a)(1), Defendants U.S. Environmental Protection Agency ("EPA"), Michael S. Regan, in his official capacity as Administrator of EPA, U.S. Army Corps of Engineers (the "Corps"), Lieutenant General Scott A. Spellmon, in his official capacity as Chief of Engineers and Commanding General of the Corps, and Michael L. Connor, in his official capacity as Assistant Secretary of the Army (Civil Works) appeal to the United States Court of Appeals for the Eighth Circuit from the order entered on April 12, 2023 (Dkt. No. 131), which granted the Plaintiffs' motion for preliminary injunction.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2023, I filed the foregoing using the Court's CM/ECF

system, which will electronically serve all counsel of record registered to use the CM/ECF system.

_____/s/ _Elliot Higgins_____